IN THE SUPREME COURT OF THE UNITED STATES.

No. 34.—December Term, 1859.

Pierre A. Berthold and others,

vs.

James McDonald and Mary McCree.

For the purpose of supplying translations of the documents in the French language contained in the record in the above entitled cause, it is agreed between the parties that the papers hereto annexed, marked A, B, C, D and E, are correct translations of said French documents, and that they are to be inserted in the printed record in the following order:

Letter A. The first document on this sheet is a translation of the French document on page 14 of the original record sent up from the supreme court of the State of Missouri.

The second document on this sheet is a translation of the French document, which occurs twice in said original record—first on page 15, and second on page 39.

Letter B, is a translation of the French document on page 27 of said original record.

Letter C, is a translation of the French document on page 36 of said original record.

Letter D, is a translation of the French documents on pages 45 and 46 of said original record.

Letter E, is a translation of the French document on page 41 of said original record.

C. D. DRAKE,
Att'y for Pl'ffs in Error.
C. GIBSON, *p. d.*

St. Louis, Nov. 14, 1859.

It is further agreed that the said translations may be inserted in the printed record by reprinting the particular pages thereof, in which the documents occur, or may be printed at the close of said printed record, or attached to the record already printed.

C. D. DRAKE, *p. q.*
C. GIBSON, *p. d.*

A.

Jeannette.—I purposely repaired from my domicil here in this above mentioned post of St. Louis, to a tract of land belonging to her of two arpents in breadth, by forty others in length, part cultivated, and part lying fallow—situated in the same prairie as hereinbefore, and immediately bounded by the king's domain, and on the other side by that of said Charles Roy, and on the two others as hereinbefore, for the purpose of surveying it with my instrument, &c.; in execution of which, causing myself to be accompanied by the proprietor aforesaid, and by the said Chs. Roy, the most immediate neighbor, to act as a witness, and to indicate to me exactly the true situation of their respective concessions, I arrived and caused it to be bounded in my presence with stones, at its four extremities, after having measured it along its lines of breadth and length, of which the two first parallels, that is to say of breadth, run as hereinbefore, as likewise the two others of length, with the same compensations, inclinations, &c. Thus I certify by my signature, and by the open acknowledgment of all the proprietors above named at this moment, with the approbation of the said Don Emanuel Perez, in the chamber of the government, mutually to act as witnesses and to affirm the fact, some by their signatures and others by their declarations, not knowing how to sign, in presence of Don Emanuel Perez, captain of the battalion of Louisiana, and lieutenant governor, commandant at this post, in order to approve, confirm and ratify, as well as by my signature, in the capacity of lieutenant governor, with which he invested with the same power of conceding the possessions granted by the other commandants, his predecessors, and specified in this body of records, which I deliver over, containing ten written pages, this one inclusively, to the archives of this government, to be therein preserved in perpetuity, and to be used when necessary for securities, authentications, and evidence of all that is therein expressed.

At St. Louis, the August, one thousand seven hundred and eighty-eight.

P'RE CHOUTEAU,
MOTARD.

Know all those who shall see these presents, that I, Jeanette Flore, residing in the town and district of St. Louis, in Louisiana, and in presence of witnesses, acknowledges to have this day sold, ceded, relinquished, surrendered, abandoned and transferred, as by these presents I sell, cede, relinquish, surrender and transfer, and promise to warrant against all molestations, debts, dowries, mortgages, ejectments, entails, and other incumbrances generally, whatsoever, unto Charles Gratiot, esquire, residing in the said town, to wit: a tract of land situated in the Prairie a Denoyers, in the said district, containing two arpents in front by forty in

depth, bounded on three sides by vacant lands, and on *on* side by Charles Roy, as it is mentioned in the land book, Livre Perrien, remaining in the hands of Antoine Soulard, esquire, surveyor of the said district, which tract of land was conceded to me by Mr. Manuel Perez, hereinbefore lieutenant governor of the occidental part of the Illinois, dated in the month of August, one thousand seven hundred and eighty-eight, selling it to the said Charles Gratiot, for and in consideration of the price and sum of forty dollars, which I acknowledge to have received in cash and to my satisfaction from the hands of the said Charles Gratiot, and from which, by these presents, I hold him released and discharged as of things to them belonging, so that neither my heirs, executors nor administrators can revoke nor oppose the tenor of these presents by me executed on this day, promising, &c., obligating, &c., renouncing, &c.

In testimony whereof, not knowing how to sign, I have made my ordinary mark in presence of witnesses at St. Louis district hereinabove, this eleventh of June, of the year of our Lord one thousand eight hundred and five, and the twenty-ninth of the independence of the United States of America.

mark
⋈ JEANETTE FLORE.
of

Signed, sealed and delivered in presence of—
MR. P. LEDUC,
JERE'H CONNER.

Correctly translated.

C. GIBSON.

B.

At the request of Jeanette, a free negress, I certify to all whom it may concern, that the above plat is a true extract from the certificate of survey of the said land, which was made by Mr. Pierre Chouteau, in pursuance of the orders of the lieutenant governor, Don Manuel Perez, in the course of the year 1788; which certificate of survey is recorded in folio 77, of book No. 2, of the old titles of the country.

In testimony whereof, I delivered these presents to the said party interested, to serve her and to be valid as of right in establishing her claims.

St. Louis, Feb'y 24th, 1805.

ANTOINE SOULARD,
Surveyor General T'y Louis'a.

I, the undersigned, Pierre Chouteau, by virtue of the power in me vested by Don Manuel Perez, capt. of infantry and lieut. gov. of the western portion of the Illinois, on the petition of the inhab-

itants of this post of St. Louis, praying that the dimensions, situations, and boundaries of the lands which they possess in the "Prairie a Denoyer" should be determined by competent persons, and such as are authorized to do the same, declare to all whom it may concern, that, at the request of each one of the said inhabitants, on the 23d day of June, 1788, I repaired for that purpose from my residence, situated in the aforesaid post of St. Louis, to a piece of land belonging to Jeanette, said land being two arpents in width by forty in length, belonging to her, being partly cultivated and partly untilled, situated in the "Prairie a Denoyer," and immediately adjoining the royal domain, and the other side that belonging to Chs. Roy, and the two other sides as aforesaid—one end of the said land adjoining the plantation of Gratiot, and the other the royal domain—to survey the same with my instrument and a chain of 45 ft. in length, which length, taken four times, makes exactly the arpent in use in this country, which is 180 ft. on each side. For the execution of which, causing myself to be accompanied by the said owner and the said Chs. Roy, the nearest neighbor, to serve me as witnesses and to point out to me the exact location of the respective concessions, I obtained the object, and caused it to be bounded, in my presence, with stones placed at its four extremities, after having caused it to be measured along its lines of length and breadth, of which the two first parallels, that is to say those of breadth, run as aforesaid—they run N. W., deviating from the north towards the W. 11° 15′; and the two last, that is to say those of length, being also parallel, run westwardly $\frac{1}{4}$ S. W., or, still better, deviate from the W. towards the S. 11° 15′, without regard to the variation of the compass which may exist, and consequently form, in directing the view, and running from the point of beginning towards the N. $\frac{1}{4}$ from N. W., and towards the W. $\frac{1}{4}$ from S. W., an obtuse angle of 50° 22½′, compensation being made for the differences caused by the inequalities of the lands and inclinations of the lines on each other, with regard to the horizontal perpendiculars by which they are always measured correctly, both in length and in breadth; also the two others of length, with the same compensations, inclinations, &c.

I thus certify, under my seal and the unanimous assent of all the above named owners, now assembled, with the consent of the said Emanuel Perez, in the government hall, mutually to act as witnesses for each other, and to aver the fact—some under their signatures; others, not knowing how to write, by their declarations—in presence of Emanuel Perez, capt. of the Louisiana battalion, and lieut. gov. commandant of this post, in order to approve, confirm, and ratify also by his seal as lieut. gov., in which capacity he is invested with the same power of granting possessions conceded by the other commandants, his predecessors, and specified in the body of the records, which I deliver—containing ten written pages, this

one included—to the archives of this government, to remain there forever, and to serve when necessary as a confirmation, authentication, and as evidence of all therein contained.

At St. Louis, this of August, 1788.

Correctly translated.

C. GIBSON.

C.

Flore.—I purposely repaired from my residence, situated in the above said post of St. Louis, to a piece of land of half (de demi) an arpent wide, by forty others in length, belonging to her, cultivated, partly untilled, situated in the same prairie aforesaid, immediately adjoining that of Chas. Roy, and on the other side that of said Louis Bodoin, and on the two others as aforesaid, to survey it with, &c. For which purpose, causing myself to be accompanied by the said owner, and by the said Ch's Roy, the nearest neighbor, to serve me as witnesses, and to point out exactly the true situation of their respective concessions, I came upon it and caused it to be bounded in my presence, with stones placed at its four extremities, after having measured it along its lines of width and length, the two first of which, that is to say of width, run as aforesaid; the two others, of length, with the same compensations, inclinations, &c.

Thus I certify, under my seal, &c.

Charle Roy.—I purposely repaired from my residence, situated in the above said post of St. Louis, to a piece of land of two arpents and ½ wide, by forty others in length, belonging to him, partly cultivated, partly untilled, situated in the same prairie aforesaid, and immediately adjoining that of Janette, a free negress, and on the other side that of Flore, and on the two others as aforesaid, to survey it with, &c. For which purpose, causing myself to be accompanied by the said owner, and by the said Janette, the nearest neighbor, to serve me as witnesses, and to point out exactly the true position of their respective concessions, I came upon it and caused it to be bounded in my presence, with stones placed at its four extremities, after having measured it along its lines of width and length, the two first parallels of which, that is to say of width, run as aforesaid, and the two others of length, with the same compensations, inclinations, &c.

Thus I certify, under my seal, &c.

Jeanette.—I purposely repaired from my residence, situated in the above post of St. Louis, to a land belonging to her, of two arpents in width, by forty others in length, partly cultivated, partly untilled, situated in the same prairie aforesaid, and immediately adjoining the royal domain, and on the other side the land of Ch's Roy, and on the two other sides as aforesaid, to survey it with, &c. For

which purpose, causing myself to be accompanied by the said owner, and by the said Ch's Roy, the nearest neighbor, to serve me as witnesses, and to point out exactly the true position of their respective concessions.

(Page 78.) I came upon it and caused it to be bounded in my presence, with stones placed at its four extremities, after having measured it along its lines of width and length, of which the two first parallels, that is to say of width, run as aforesaid; also the two others of length, with the same compensations, inclinations, &c. Thus I certify, under my seal, and by the unanimous consent of all the above named owners now assembled, with the approbation of the said Emanuel Perez, in the government hall, mutually to serve each other as witnesses, and to affirm the fact—some under their signatures; others, not knowing how to sign, by their declarations—in presence of Emanuel Perez, capt. of the Louisiana battalion and lieut. gov., commandant of this post, in order to approve, confirm and ratify, and also under his seal as lieut. gov., in which capacity he is invested with the same power of conceding possessions as the other commandants which have preceded him, and specified in this record, which I deliver, containing ten written pages, this one included, into the archives of this government, there to remain forever, and to serve when necessary as proof, authentication and evidence of all therein contained. At St. Louis, the of August, 1788.

P. CHOUTEAU.
MOTARD.

Correctly translated.

C. GIBSON.

D.

Paul Guitard Père "says that he knew Louis Boury's father, who is at present dead; that he has known Charles Gratiot since forty-six years, who is likewise dead; yes, about two or three years before Louis Boury died, he came to the deponent's and showed him some merchandise which he had received as the price of the sale of a tract of land which he said he had sold at the barrière Desnoyers; which tract of land he said he had sold to Mr. Gratiot, hereinbefore mentioned; that he does not know what was the dimensions of the tract of land. Louis Boury told the deponent that he had preferred selling the tract of land to clothe himself, than to keep it lying in fallow, and doing nothing with it; that Louis Boury brought to the deponent's some cloth, cotton cloth, and other things; and that the wife of the said deponent had made clothing for the said Boury and his son; that he said that they were merchandise which he had had of Mr. Gratiot for his land; and the deponent saith that he is ninety-one years of age; that

Louis Boury died since the Americans took possession of the country."

his
PAUL ⋈ GUITARD.
mark.

Abadie dit St. Pierre Tournelier saith: "that he knew Louis Boury and Charles Gratiot, father, who are both dead; that Louis Boury and he were both neighbors; that their lands were adjacent; that his land (of him, the deponent) was to the north, and that of Louis Boury to the south; that their lands were situated in the barrière à Denoyers, about one league in the rear of St. Louis; that on a certain day, while returning from the field, he met Louis Boury, who told him that they were no longer neighbors. How? said the deponent. Yes, answered Louis Boury, I have sold my land to Mr. Gratiot at the pond. Just now, when you shall mow, said Louis Boury, you shall ask the permission of Mr. Gratiot; it is for this reason that I warn you. That this conversation took place about two years before the change of the government; that he does not know the quantity of land which Louis Boury had, but that he cultivated for his necessities one arpent in width by forty in length; that Louis Boury died about six or seven years ago."

JOSEPH GABADIE.

Correctly translated.

C. GIBSON.

E.

Whereas on the 11th of June, in the year one thousand eight hundred and five, Florence, so called (la nommé) Flore, a free negress, of the town and county of St. Louis, Territory of Missouri, has sold, ceded, and transferred to Charles Gratiot a certain piece of land situated at the "Barrière Desnoyers," as will appear by a deed of sale dated on the said day, and recorded in the office of the recorder of the county of St. Louis, book A, pages one hundred and ninety-seven, and following; and that in the said deed there is a manifest error in the quantity of land sold, in the situation, boundary, and description of the said land, and also in the name of the said Florence Flore: Now be it known to all who shall see these presents, that the said Florence Flore, party of the first part, and John P. Cabanné and widow Gratiot, administrator and administratrix of the estate of Charles Gratiot, deceased, party of the second part, annul the deed hereinbefore referred to, which from this day becomes null and void, renouncing now and forever all the rights and privileges in virtue of the said deed, and in consideration of the present remuneration, and also of the sum of forty dollars, which the said Florence Flore acknowledges to have received of Charles Gratiot, and from which now and forever